



**2018/2899(RSP)**

23.11.2018

# **DRAFT MOTION FOR A RESOLUTION**

further to Question for Oral Answer B8 0000/2018

pursuant to Rule 128(5) of the Rules of Procedure

on Fundamental Rights of People of African Descent in Europe  
(2018/2899(RSP))

**Claude Moraes**

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

**European Parliament resolution on Fundamental Rights of People of African Descent in Europe  
(2018/2899(RSP))**

*The European Parliament,*

- having regard to the Treaty on European Union (TEU), and in particular the preamble, second indent, fourth to seventh indents, and Article 2, the second subparagraph of Article 3(3) and Article 6 thereof,
- having regard to Article 10 and Article 19 of the Treaty on the Functioning of the European Union,
- having regard to the Charter of Fundamental Rights of the European Union of 7 December 2000,
- having regard to Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin<sup>1</sup>,
- having regard to Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation<sup>2</sup>,
- having regard to Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law<sup>3</sup>,
- having regard to Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA<sup>4</sup>,
- having regard to the second European Union Minorities and Discrimination Survey (EU-MIDIS II) published in December 2017 by the European Union Agency for Fundamental Rights (FRA) and FRA's report on experiences of racial discrimination and racist violence among People of African Descent in the EU;
- having regard to its resolution of 1 March 2018 on the situation of fundamental rights in the European Union in 2016<sup>5</sup>
- having regard to the establishment in June 2016 of the EU High Level Group on combating racism, xenophobia and other forms of intolerance,

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<sup>1</sup> OJ L 180, 19.07.2000 p.0022-0026

<sup>2</sup> OJ L 303 02/1/2200 p.0016-0022

<sup>3</sup> OJ L 328, 6.12.2008, p. 55.

<sup>4</sup> OJ L 315, 14.11.2012, p. 57.

<sup>5</sup> Texts adopted, P8\_TA(2016)0485.

- having regard to the Code of Conduct on countering illegal hate speech online agreed on 31 May 2016 between the Commission and leading IT companies as well as with other platforms and social media companies,
  - having regard to UN Committee on the Elimination of Racial Discrimination General Recommendation No. 34 of 3 October 2011 on Racial Discrimination against People of African Descent,
  - having regard to UN General Assembly Resolution 68/237 of 7 February 2014 proclaiming 2015-2024 the International Decade for People of African Descent,
  - having regard to UN General Assembly Resolution 69/16 of 18 November 2014 containing the programme of activities for the implementation of the Decade for People of African Descent,
  - having regard to the Durban Declaration and Programme of Action from the World Conference on Racism in 2001, recognising centuries-long racism, discrimination and injustices faced by People of African Descent,
  - having regard to European Commission against Racism and Intolerance (ECRI) general policy recommendations;
  - having regard to Recommendation (Rec(2001)10) of the Council of Europe’s Committee of Ministers on the European Code of Police Ethics<sup>1</sup>
  - having regard to the Council of Europe High Commissioner for Human Rights’ Human Rights Comment ‘Afrophobia: Europe should confront this legacy of colonialism and the slave trade’
  - having regard to Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms on non-discrimination,
  - having regard to Rule 123(2) of its Rules of Procedure.
- A. Whereas the term “People of African Descent” may also be used with “Afro-European”, “African European”, or “Black European”, “Afro-Caribbean” or “Black-Caribbean”, and refers to people of African ancestry or descent born in, citizens of, or living in Europe;
- B. Whereas the terms “Afrophobia”, “Afri-phobia” and “anti-black racism” refer to a specific form of racism, including any act of violence or discrimination, fuelled by historical abuses and negative stereotyping, and leading to the exclusion and dehumanisation of People of African descent. This correlates to historically repressive structures of colonialism and the transatlantic slave trade, as recognised by the Council of Europe Commissioner for Human Rights;

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<sup>1</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016805e297e](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805e297e)

- C. Whereas there are estimated 15 million People of African Descent living in Europe<sup>1</sup>, although equality data collection in EU Member States is not systematic, not based on self-identification and often omits descendants of migrants or “third generation migrants” and beyond;
- D. Whereas the EU Agency for Fundamental Rights (FRA) has documented that minorities in Europe with “Sub-Saharan African” backgrounds are particularly susceptible to racism and discrimination in all areas of life<sup>2</sup>;
- E. Whereas according to the recent Second European Union Minorities and Discrimination Survey conducted by the EU Agency for Fundamental Rights (FRA)<sup>3</sup>, young respondents of African descent, aged 16-24 years, experienced higher rates of hate-motivated harassment during the 12 months before the survey (32%) than older respondents and Cyber-harassment is highest towards young respondents and decreases with age;
- F. Whereas histories of injustices against Africans and People of African Descent - including enslavement, forced labour, racial apartheid, massacre, and genocides in the context of European colonialism and the transatlantic slave trade - remain largely unrecognised and unaccounted for at an institutional level in EU Member States;
- G. Whereas the persistence of discriminatory stereotypes in some traditions across Europe, including the use of black-facing, perpetuates deeply rooted stereotypes about People of African Descent, which can exacerbate discrimination;
- H. Whereas the important work of national equality bodies and Equinet, the European Network of Equality Bodies, should be welcomed and supported;
- I. Whereas the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights Annual Hate Crimes report<sup>4</sup> has found that People of African Descent are often targets of racist violence, yet in many countries legal assistance and financial support for victims while recovering from violent attacks is lacking;
- J. Whereas the prime responsibility for the rule of law and fundamental rights of the citizens lies with governments, and therefore the primary responsibility for monitoring and preventing violence, including Afrophobic violence, and prosecuting the perpetrators;
- K. Whereas there is limited data on racial discrimination in the education system, however evidence suggests that children of African descent in EU Member States receive lower

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<sup>1</sup> See European Network Against Racism, Afrophobia in Europe-ENAR Shadow Report 2014-15, 2015, available at: [http://www.enar.eu.org/IMG/pdf/shadowreport\\_afrophobia\\_final\\_with\\_corrections.pdf](http://www.enar.eu.org/IMG/pdf/shadowreport_afrophobia_final_with_corrections.pdf)

<sup>2</sup> See 2017 second European Union Minorities and Discrimination Survey (EU-MIDIS II), at <http://fra.europa.eu/en/publication/2017/eumidis-ii-main-results>

<sup>3</sup> op. cit.

<sup>4</sup> See latest published in 2016: <http://hatecrime.osce.org/2016-data>

grades than their White peers in schools and early school leaving is markedly higher for children of African descent<sup>1</sup>;

- L. Whereas adults and children of African Descent are increasingly vulnerable in police custody, with numerous incidents of violence and deaths in custody, and with the routine use of racial profiling, discriminatory stop and search, and surveillance, in the context of abuse of power in law enforcement, crime prevention, counter-terrorism measures, or immigration control;
  - M. Whereas legal remedies for discrimination exist, strong and specific policies are needed to address structural racism experienced by People of African Descent in Europe, including in employment, education, health, criminal justice, political participation and in the impact of migration and asylum policies and practices;
  - N. Whereas people of African descent in Europe experience discrimination in the housing market and experience a spatial segregation in low-income areas with poor quality and cramped housing;
  - O. Whereas, People of African Descent have contributed significantly in building European society throughout History, large numbers face discrimination in the labour market;
  - P. Whereas People of African Descent are disproportionately represented amongst the lower income strata of the European population;
  - R. Whereas People of African Descent are overwhelmingly underrepresented in political and law-making institutions, at both European, national and local levels in the European Union;
  - S. Whereas politicians of African Descent are still facing ignominious attacks in public sphere at both national and European levels;
  - T. Whereas racism and discrimination experienced by People of African Descent is structural and often intersects with other forms of discrimination and oppression on the basis of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation;
  - U. Whereas a rise in Afrophobia attacks in Europe are recently directly targeted against third-country nationals, and especially refugees and migrants;
1. Calls on Member States and EU institutions to recognise that People of African Descent are particularly subjected to racism, discrimination, xenophobia, and generally the unequal enjoyment of human and fundamental rights, amounting to structural racism; and are entitled to protection from these inequities as individuals and as a group, including positive measures for the promotion, full and equal enjoyment of their rights;
  2. Considers that active and meaningful social, economic, political and cultural

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<sup>1</sup> FRA opinion 11

participation by People of African Descent is key for tackling the phenomenon of Afrophobia and ensuring their inclusion in Europe;

3. Calls on the European Commission to develop an EU framework for national strategies for the social inclusion and integration of People of African Descent;
4. Condemns strongly any physical or verbal attacks targeting People of African Descent in both public and private spheres;
5. Encourages EU institutions and Member States to officially acknowledge and mark histories of People of African Descent in Europe - including of past and ongoing injustices and crimes against humanity, such as slavery and transatlantic slave trade, or committed under European colonialism, but also the vast achievements and positive contributions of People of African Descent, through the official recognition at EU and national level of the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, including through establishing Black History Months;
6. Encourages Member States and the European Institutions to formally mark both the UN Decade on People of African Descent and take effective measures for the implementation of the programme of activities in the spirit of recognition, justice and development;
7. Recalls that some Member States have taken steps toward meaningful and effective redress for past injustices and crimes against humanity - bearing in mind their lasting impacts in the present - against People of African Descent;
8. Calls on EU institution and the rest of Member States to follow this example which may include some form of reparations such as offering public apologies and the restitution of stolen artefacts to countries of origin;
9. Calls on Member States to declassify their colonial archives;
10. Calls for the EU institutions and its Member States to make efforts to systematically fight ethnic discrimination and hate crime and, along with other key stakeholders, to develop effective, evidence-based legal and policy responses to these phenomena; considers that if data on ethnic discrimination and hate crime were to be collected, it should be for the sole purpose of identifying the roots of and fighting xenophobic and discriminatory discourse and acts, in accordance with national legal frameworks and EU data protection legislation;
11. Calls on the Member States to develop national anti-racism strategies that address the comparative situation of People of African Descent in areas such as education, housing, health, employment, policing, social services and the justice system, political participation/representation and encourage the presence of People of African Descent in media and television programmes to adequately address the lack of representation of People of African Descent, as well as the lack of role models for children of African Descent;

12. Stresses the important role of civil society organisations in combating racism and discrimination and calls for increasing financial support at the European, national and local level for grass-root organisations;
13. Calls for the European Commission to include a focus on People of African descent in its current funding programmes and for the next multiannual period;
14. Calls on the European Commission to set up a dedicated team within relevant Commission services with specific focus on Afrophobia issues;
15. Insists that Member States implement and properly enforce the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law, in particular the inclusion of bias motivations for crimes based on race, national or ethnic origin as an aggravating factor to ensure that hate crimes against People of African Descent are recorded, investigated, prosecuted and sanctioned;
16. Calls on the Member States to effectively respond to hate crime, including the investigation of bias motivation for crimes based on race, national or ethnic origin; calls on Member States to ensure that hate crimes against People of African Descent are recorded, investigated, prosecuted and sanctioned;
17. Calls on Member States to end racial or ethnic profiling in all forms in criminal law enforcement, counter-terror measures and immigration control and to officially recognise and combat practices of unlawful discrimination and violence through anti-racism and anti-bias training for authorities;
18. Calls on Member States to denounce and discourage racist and Afrophobic traditions;
19. Calls on Member States to monitor racial bias in their criminal justice systems, their education systems and in their social services, and to take proactive steps to ensure equal justice and improve relations between law enforcement authorities and minority communities, to ensure equal education and improve relations between education authorities and minority communities, and to ensure equal social services and improve relations between social service authorities and minority communities, in particular with Black communities and People of African Descent;
20. Calls on Member States to ensure adults and children of African descent have equal access to quality education and care free of discrimination and segregation and provide adequate learning support measures when necessary, encourages Member States to make the history of People of African Descent part of the curricula and to present a comprehensive perspective on colonialism and slavery, which also recognises their historical and contemporary adverse effects on People of African Descent, and to ensure that teachers are adequately trained for this task and equipped to address diversity in the classroom;
21. Calls on EU institutions and Member States to promote and support employment, entrepreneurship and economic empowerment initiatives for People of African Descent to address above average unemployment rates and labour market discrimination against People of African Descent;

22. Calls on Member States to address discrimination against people of African Descent in the housing market and concretely address inequalities in access to housing, ensuring adequate housing;
23. Calls on the European Commission and EU Member States to ensure - taking into account existing legislation and practices - safe and legal avenues for migrants, refugees and asylum seekers, for entering the EU;
24. Calls on the European Commission and the European External Action Service to effectively ensure that there is no EU funds, support or collaboration with organisations or groups engaged in or connected to enslavement, trafficking, torture and extortion of Black and African migrants;
25. Calls on the European institutions to adopt a workforce diversity and inclusion strategy that establishes a strategic plan for ethnic and racial minorities' participation in their workforce that complements existing efforts;
26. Calls on European parties and political foundations, as well as parliaments at all levels in the EU, to support and develop initiatives encouraging political participation of People of African Descent;
27. Calls on the Commission to closely liaise with international actors such as the OSCE, the UN, the African Union and the Council of Europe, as well as other international partners, in order to combat Afrophobia at international level;
28. Instructs its President to forward this resolution to the Council, the Commission, the Parliaments and Governments of the Member States and the Parliamentary Assembly of the Council of Europe.